

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

April 13, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:050D-185

Oahu

Withdrawal from the Honolulu Watershed, Governor's Proclamation Dated October 13, 1913, and Issuance of Direct Lease to Hawaii Public Radio for Non-Commercial Radio Transmission Site, together with a Road Access and Utility Easement, Honolulu, Oahu, Tax Map Key: 2-5-19:005(por).

APPLICANT:

Hawaii Public Radio, a domestic nonprofit corporation, whose business and mailing address is 738 Kaheka Street, #101, Honolulu, Hawaii 96814.

LEGAL REFERENCE:

Section 171-11, -13, -43.1, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kalawahine and Opu set aside by Governor's Proclamation dated October 13, 1913, for the Honolulu Watershed Forest Reserve situated at Honolulu, Oahu, identified by Tax Map Key: 2-5-19:005, as shown on the attached maps labeled Exhibits "A" and "B".

AREA:

3,000 sq. ft., more or less, for radio transmission site.
40,772 sq. ft., more or less, for road access and utility easement.

ZONING:

State Land Use District: Conservation
County of Honolulu CZO: P-1

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO X

CURRENT USE STATUS:

Governor's Proclamation of October 13, 1913 setting aside 5,000
acres, more or less, to the Division of Forestry and Wildlife for
the Honolulu Watershed Forest Reserve.

CHARACTER OF USE:

Non-commercial radio transmission site.

LEASE TERM:

Thirty (30) years.

COMMENCEMENT DATE:

First day of the month to be determined by the Chairperson.

ANNUAL RENT:

Fair market annual rent to be determined by independent
appraiser, subject to review and approval by the Chairperson.

METHOD OF PAYMENT:

Semi-annual payments, in advance.

RENTAL REOPENINGS:

At the 10th and 20th years of the lease term, by staff or
independent appraisal.

PERFORMANCE BOND:

Twice the annual rental amount.

PROPERTY CHARACTERISTICS:

Utilities - electricity
Slope - 10 degrees
Elevation - 1900 feet above sea level
Legal access to property - Staff has verified that there is legal
access to the site from Tantalus Drive.
Subdivision - Staff has verified that the subject property is
not sub-divided.

Encumbrances - Staff has verified that there is no encumbrance on the proposed site except the current Honolulu Watershed Forest Reserve.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on February 23, 2005 with a finding of no significant impact (FONSI).

DCCA VERIFICATION:

Place of business registration confirmed: YES
Registered business name confirmed: YES
Applicant in good standing confirmed: YES

APPLICANT REQUIREMENTS:

Applicant shall be required to:

1. Pay for an appraisal to determine initial rent;
2. Process and obtain subdivision at Applicant's own cost;
3. Process survey maps and descriptions according to State DAGS standards and at Applicant's own cost;

REMARKS:

Staff received an application from Hawaii Public Radio, Inc. (HPR) to lease State land at Tantalus, Oahu, shown delineated on the attached maps and site plan labeled Exhibits "A", "B", "C", "D", and "E". The site is situated within the Honolulu Watershed Forest Reserve. Hawaii Public Radio proposes to construct and operate a broadcast transmitter for the two public radio stations of Hawaii Public Radio. HPR provides non-commercial broadcast service of the highest quality. The mission of Hawaii Public Radio is to educate, inform and entertain by providing services to Hawaii, the nation and the international community that would not otherwise be available. HPR is classified as an Internal Revenue Service 501(C)(3) organization. It is one of the few remaining mass media in Hawaii to be locally owned and operated, making its news and informational services both vital and unique.

HPR has proposed to construct a 140 foot broadcast tower and a 800 sq. ft. equipment building on the site to initially relocate its KIPO 89.3 FM broadcast station from Palehua Ridge above Makakilo, Ewa, and at a later date possibly relocate its KHPR 88.1 FM broadcast station from Wiliwili Ridge above Aina Haina, Oahu, to the proposed Tantalus site. HPR uses two broadcast stations. One is for cultural and social programming and classical music; and the other is for current events, government and international affairs programming.

The tower facility at Palehua Ridge, Ewa (KIPO), does not effectively reach all of the residents of Oahu. Almost all of Windward Oahu and much of East Honolulu cannot receive the KIPO signal. Palehua is a section of ridge line above Makakilo, Ewa. The KIPO transmitter approved and licensed by the Federal Communication Commission (FCC) was designed and constructed as a 100 watt station that would reach all of Oahu. Approximately six hours after KIPO's first transmission, the Federal Communication Commission (FCC) called to alert HPR that the station was interfering with monitoring stations of the Federal Aviation Administration and the FCC. The FCC required that HPR decrease its broadcast power until the interference was eliminated. HPR responded and decreased the power level to only 3,000 watts. The result was a significant portion of Oahu could not receive its signal.

The proposed site at Tantalus will occupy an area of approximately 3,000 sq. ft.. Access to the site will be from an existing concrete road extending from Tantalus Drive. We have included this access road in the disposition request of this submittal as a road access and utility easement. The project consists of a 140-foot tall three-legged self-supported tower and an 800 square foot concrete block equipment building measuring 12-feet tall. The tower will have either a concrete slab foundation or drilled-piers. A separate concrete pad will be constructed as the base of the equipment building.

The site will need to be cleared and graded which is necessary to properly install the tower foundation and equipment building. A high security fence with a locked gate will surround the site. There will be a gravel yard and maintenance vehicles will be able to park within the facility. There will be no potable water or restroom facilities at the site.

The tower will be a 140-foot high self-supporting pipe-leg structure. There will be one FM linear antenna approximately 20 feet in length, mounted parallel to the tower. The FM antenna will be 120 feet above the ground and will not exceed the height of the tower. There may be up to two (2) microwave receiver antennas, approximately 24" in diameter. One is required for KIPO 89.3 FM broadcasting and the other microwave antenna is for KHPH 88.1 FM. which is now located at Wiliwili Ridge, located above Aiea Haina, Oahu.

The 20' x 40' air-conditioned equipment building will be a single story concrete block structure with a concrete slab floor and a concrete roof. The new building will be located so that the bulk of the structure is below and behind the top of the ridge to reduce visual impact. It is anticipated that the building will not be visible due to its location and the height of the trees and vegetation surrounding the project site. The equipment building is divided into the generator room and the radio

equipment room. The 200 square foot generator room will house a 30-kilowatt diesel generator to provide emergency power in the event of a power outage. The proposed HPR tower would be visible as a small feature similar to the adjacent Verizon tower.

There are no known rare, threatened, or endangered plant or animal species or significant habitats within the project area. The area is heavily vegetated with bamboo and fiddlewood. There is some Ohia, Lehua and Hapu'u fern. There are a number of public hiking trails in the immediate area that are maintained by the Department of Land and Natural Resources (DLNR). Trails in the area include the Manoa Cliff Trail, Pauoa Flats Cut-Off Trail, and the Pu'u Ohia Trail.

The Historic Preservation Division has reported that there are no known significant archaeological sites nor have any sites been identified during construction of the adjacent Verizon towers and facilities.

The project is situated adjacent to the intersection of two access roads to two Verizon Communication sites located in the same area.

The site is located no more than ten minutes away from Tantalus Drive. There is a forest reserve gate that needs to be opened to get to the area. The location is satisfactory for the radio broadcasting needs of Hawaii Public Radio and is located within an area of the City of Honolulu that can be easily accessed.

COMMENTS RECEIVED FROM GOVERNMENT AGENCIES AND THE PUBLIC:

Comments for the construction the tower were solicited from the State Department of Health, the State Office of Environmental Quality Control, the Office of Hawaiian Affairs, the Department of Accounting and General Services-Information Communication Services Division, and the Department of Land and Natural Resources Divisions of Conservation and Resource Enforcement, Forestry and Wildlife, Historic Preservation, and the Oahu District Land Office. Comments were also solicited from the City and County of Honolulu's Department of Planning and Permitting, the Makiki Tantalus Neighborhood Board and the Manoa Neighborhood Board.

OFFICE OF ENVIRONMENTAL QUALITY CONTROL:

The Office of Environmental Quality Control requested that the applicant discuss alternate sites and the reasons they were rejected and a description of the process followed to reach the conclusion that there were a lack of impacts to current cultural practices.

The applicant responded that they received a letter from the State Historic Preservation Division (SHPD) stating they believed no archaeological properties will be affected and SHPD did not identify any cultural properties for the area.

OFFICE OF HAWAIIAN AFFAIRS:

The Office of Hawaiian Affairs cites no specific information on the possibility of bird strikes on the HPR tower. Also, there is no data on any bird strikes on the adjacent Verizon tower.

Applicant responded that according to the DLNR biologist, the native birds are extremely unlikely to hit the tower because these birds do not fly at night. The Pueo (Hawaiian Owl) has excellent night vision and therefore a night strike would not be likely.

DIVISION OF FORESTRY AND WILDLIFE (DLNR):

The Division of Forestry and Wildlife opposes the tower installation because it is not an appropriate use of the forest reserve. The tower is also not essential or critical for public safety. The tower proposal represents new commercial development of an undisturbed site. The Division believes that suitable alternative sites may exist that would not necessarily require additional disturbance of the forest reserve.

The applicant responded that a transmission tower is not a prohibited activity per the Hawaii Administrative Rules. The two existing Verizon towers are very close to the project site and are in the forest reserve on State land. The existing tower for HPR, KIPO 89.3 FM station at Palehua, is located on State land and is also within the forest reserve. The project is minimal in scope and use and has stationary structures. The Tantalus location is ideal because it is centrally located and provides for 92% of Oahu's population.

The applicant acknowledges that the forest reserve is a valuable public resource that needs to be managed and protected. At the same time, HPR has been a valuable public resource for the past 24 years, and HPR believes its services are necessary for the community. HPR participates in all emergency broadcast events. HPR is a Hawaii 501(c)3 private non-profit organization, not a commercial enterprise. HPR's revenues for programming expenses are provided primarily by on-air pledge campaigns, gifts from individuals in the form of memberships, and program sponsorships.

HPR has spent a great deal of time, money and effort to fix the problems associated with the present location of KIPO's 89.3 FM transmitter antenna on Palehua Ridge. Specially designed antennas, notch filters and screening devices of various types

have been tried but were not unsuccessful. It became necessary to locate another site. HPR also evaluated placing KIPO on the same tower as HPR's KHPR station at Wiliwilinui Ridge located above Aina Haina in Honolulu. However, there was no room for additional station broadcasters at this site. HPR was also in contact with Verizon for two years to co-locate on the nearby Verizon tower at Tantalus. Verizon eventually declined the co-location at Tantalus.

OFFICE OF CONSERVATION AND COASTAL LANDS (DLNR):

The Office of Conservation and Coastal Lands of DLNR asked the following questions:

1. What makes this particular site special?
2. How does this particular site accommodate HPR'S needs?
3. Is this the best site?
4. There are hiking trails, people may wander near the site. Could there be a public health and safety issue?
5. Why must the tower be 140 feet?
6. Any mitigative measures to decrease view impacts?
7. After two years of negotiations, why did Verizon say "no".
8. With new owners of Verizon, would it be possible to renegotiate?
9. Has upgrading of the existing HPR site been considered to increase coverage?
10. Is there the possibility that the proposed facilities will interfere with other stations?
11. Are there any provision for fencing to protect the public and the facility from the public?

The applicant responded that the Tantalus site is ideal because it is centrally located and at a significant elevation. From this site approximately 92% of the population of Oahu can receive transmissions at a lower energy consumption level. Also the Tantalus site has existing infrastructure (road and utility).

On the affects of the facility on people hiking in the area, the applicant responded by explaining that radio frequency energy (RFE) is generated by anything electronic, as well as by natural sources such as sunlight. The calculated RFE levels were determined by using the computer model developed and used by the FCC. In order to operate the site, the FCC must license it. The FCC requires that the facility meet FCC regulation in regards to the RFE. At 26 feet from the antenna, the RFE is about 36% of the FCC's most conservative regulated level of 200 microwatts per square centimeter for general population exposure.

On the height of the tower, the applicant explained that the location and height of the tower have been chosen and designed to minimize view impacts and maximize transmission efficiently. The top portion of the tower is a narrow vertical post to which the FM antenna would be mounted thereby minimizing the mass of the

top of the tower and minimizing view impacts.

On the negotiations with Verizon, the applicant responded that Verizon gave no reason why they refused the co-location. Verizon is not required to permit co-location on its tower under the lease they have for the site.

On the question if HPR considered upgrading their existing KIPO facility at Palehua Ridge, Ewa, the applicant has responded that they initially installed the station there with a 100,000 watt broadcasting capacity. Within six hours after the initial broadcast, they were told by the FCC that their station was interfering with the monitoring stations of the Federal Aviation Administration and the FCC. They were required to reduce the broadcast power until the interference was eliminated. KIPO continues to operate at only 1/13th of its original FCC-licensed power. Almost all of Windward Oahu and much of East Honolulu cannot receive HPR's services.

Will the Tantalus site interfere with other stations at Tantalus? The applicant's response is that due to the stringent FCC requirements concerning separation of broadcast frequencies, interference with another broadcast station within the City of Honolulu is not a possibility. There will be a six foot high chain link fence around the entire site. The entrance to the site will be gated and locked.

STATE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES:

The Department of Accounting and General Services (DAGS) recommends that DLNR not approve the project because the taking of public conservation land for private use would be an irreversible decision. DAGS asks why other sites cannot accommodate HPR.

HPR response is that their request is not a taking of public land. Tower facilities are not a prohibited activity on State land in the conservation District and in the State forest reserve. There will be a lease for the site from DLNR and the facilities would remain State land.

DAGS points out that the draft EA states that the proposed project is to resolve coverage issues for the KIPO transmitter. DAGS asks why the applicant is also proposing to move its other radio station to the new site if coverage area is a concern; it requests the applicant should provide coverage contours to justify the selection of one site over another. DAGS asks if the applicant considered other technical alternatives such as requesting a new frequency assignment. Further, could trading channels with another radio operation resolve the technical issues with the existing KHPR transmitter?

Applicant responded that the KIPO move to Tantalus will solve reception problems for listeners in Honolulu, East Honolulu, and the Windward side. KIPO cannot serve the people of Oahu without a physical change in antenna location. HPR may consolidate its KHPR facility with KIPO at some point in the future as a cost saving measure. HPR would build the Tantalus facility to allow the future addition of KHPR, without having to later add any additional antennas, tower height or other attachments to the structure. A change in frequency would not solve the FCC limitations. The FCC does not allow causal trading of the frequencies with other stations without a very extensive allocation analysis and technical justification, and there are no operating radio stations on Oahu interested in trading a full-power facility for a crippled low power facility. The proposal is designed to solve technical reception problems for KIPO.

DAGS requested that HPR restate its discussion of radio frequency safety in terms of the Specific Absorption Rate (SAR) current FCC methodology. It requested that HPR prove by calculation that any and all areas outside of its proposed site are intrinsically safe for the public.

The applicant responded that there will be no location within or outside of the proposed facility that will exceed the FCC general public limitation for Radio Frequency (RF) energy exposure. Extensive calculated measurements of the proposed facility, taking into consideration both the near field and far-field energy emissions that would be created by the initialization of FM radio transmission at Tantalus have been made. The computer model used in making these assessments is the modeling program utilized by the FCC and other Federal agencies for calculating VHF radio energy from standard FM broadcast antennas.

DAGS questioned whether the existing electrical power line to the Tantalus site has adequate capacity to serve the proposed high power broadcast transmitter operation.

The applicant responded that the Tantalus site has existing electrical service infrastructure directly adjacent to the proposed facility. The existing electrical service is rated at 60 KVA, and can be easily upgraded to 120 KVA with a pole transformer substitution. The proposed facility would not require anything over 50 KVA.

DEPARTMENT OF PLANNING AND PERMITTING, CITY AND COUNTY OF
HONOLULU:

The Department of Planning and Permitting of the City and County of Honolulu confirmed the proposed project is located in P-1 zoning district. The project may require grading, grubbing and stockpiling permits.

The applicant responded that should the project proceed, details regarding grading, grubbing and stockpiling will be developed and the appropriate permits will be acquired from the City and County of Honolulu.

TANTALUS COMMUNITY ASSOCIATION:

The Tantalus Community Association has asked how many antennas will the tower have. They are concerned that more and more antennas will be added to the tower. They asked what were the health impacts from electromagnetic radiation. They were concerned over the visual impact of the tower. Would any noise, hum or exhaust emanate from the generator room? Would future maintenance require topping or removal of trees blocking the line of sight from the antennas on the tower. What were the construction impacts? Was there a potential for interference with cell phone reception? Were there alternate sites or technologies that may preclude the need for the project?

The applicant responded that the State Department of Land and Natural Resources would be responsible for drawing up the terms and conditions of a land lease that would address the issue of co-location of other antennas.

As to health impacts, the applicant responded that the FCC requires that the facility meet FCC regulations in regards to Radio Frequency Energy (RFE). At 26 feet from the antenna, the RFE is about 36% of the FCC's most conservative regulated level of 200 microwatts per square centimeter for General Population Exposure. If KIPO and KHPR both utilize the same antenna, the RFE amount would be 73% of the FCC'S regulated level of 200 microwatts.

As to the visual impact of the tower, the applicant responded that the location and height of the tower have been chosen and designed to minimize view impacts. A view study illustrated that the existing Verizon tower, which is more massive and located more forward on the ridge, is difficult to see from a number of locations. It is anticipated that the HPR tower will be more difficult to see because the proposed tower would be located back away from the front of the ridge. The tower is a narrow vertical post to which the narrow vertical FM antenna would be mounted, thereby minimizing the mass at the top of the tower.

As to noise and hum of the facility's generator, the applicant responded that the generator would be located inside an enclosed concrete block structure and would only be needed for emergency power in the event of a power outage.

As to the cutting of trees to open up space corridors for the antennas, the applicant responded that tree tops may have to be

trimmed if they block the FM transmission. The proposed antenna will be placed as high on the tower as possible so as to provide good clearance over the tree tops and minimize the need to trim trees.

As to construction impacts, the applicant responded that it would be short-termed. Contractors, as a standard construction requirement, will adhere to applicable State and County regulations. As to interference with cell phone reception, the applicant responded that FM radio transmission is at a different frequency than cellular telephone transmission. As to the inquiry on whether HPR looked into using other technologies and other sites the applicant responded that for years HPR has spent a lot of time, money and effort to fix the problems associated with the present location of KIPO's 89.3 FM transmitter antenna on Palehua Ridge only to realize that KIPO would need to be rebuilt at a new location. For over two years, HPR has been searching for a new site for KIPO. Other tower owners were contacted. Tower owners declined or asked an exorbitant amount of rent that would have overburdened the nonprofit budget. HPR also evaluated placing KIPO on the same tower as KHPR at Wiliwilinui Ridge as mentioned above. There is no room for additional transmission stations where KHPR and other station broadcasters are presently located. Also, Wiliwilinui Ridge is only accessible by helicopter making construction and maintenance difficult and extremely expensive.

PUBLIC HEARING:

Two public hearings were held on this disposition. One was held for the Conservation District Use Permit on January 25, 2005 from 6:00 PM to 7:45 PM. The hearing was held within the board room of the Department of Land and Natural Resources (DLNR) at the State Kalanimoku Building. The majority of the public comments were supportive of the Hawaii Public Radio telecommunication facility.

The second hearing was held on January 9, 2006 to receive public testimony for the removal of approximately 3,000 sq. ft. from the Honolulu Watershed Forest Reserve that is needed for the disposition of a State lease to HPR. The hearing was held at the same location within the State Kalanimoku building on January 9, 2006 from 6:30 PM to 7:30 PM.. All of the people who testified were in support of removing the site from the Honolulu Forest Reserve and issuing a lease to HPR.

The Board of Land and Natural Resources, at its meeting of March 10, 2006, under Item C-1, accepted the Hearing Officer's report for the removal of approximately 3,000 sq. ft. from the Honolulu Watershed Forest Reserve adjacent to Tantalus peak at Honolulu.

CONSERVATION DISTRICT USE PERMIT:

On April 22, 2005 Conservation District Use Application (CDUA) OA-3207 to construct a telecommunication facility on Tantalus was submitted to the Board of Land and Natural Resources under agenda item K-3 by the Office of Conservation and Coastal Lands (OCCL). OCCL recommended the Board deny the application. The reason given was that the Division of Forestry and Wildlife (DOFAW) was the responsible land manager of Pu'u Ohia, which is the subject facility site, and DOFAW had gone on record in opposition to the project. DOFAW said that the project does not represent an appropriate use of forest reserve lands. OCCL staff did not believe that it was appropriate to dispute the findings of DOFAW and recommended that the Board disapprove the project.

After considering all of the testimony presented to them similar to the information provided in the preceding eight pages, the Board of Land and Natural Resources approved the issuance of the CDUA permit at its April 22, 2005 meeting. CDUA Permit (CDUA) OA-3207 was issued on April 26, 2005, subject to 22 conditions incorporated in the issuance of the proposed lease and is attached herein as Exhibit "F".

SUBDIVISION REQUIREMENT:

The proposed site consisting of approximately 3,000 sq. ft. is located within the Honolulu Watershed within parcel 5 of Tax Map Key 2-5-19. Prior to the issuance of a lease, this area must be subdivided out of parcel 5 of Tax Map Key 2-5-19. Hawaii Public Radio is required to process a subdivision application with the Department of Planning and Permitting of the City and County of Honolulu to create a separate lot for the proposed tower site.

JUSTIFICATION FOR DIRECT LEASE:

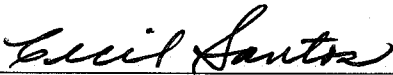
Section 171-43.1, Hawaii Revised Statutes provides for a direct lease, without a public auction, to an eleemosynary organization which has been certified to be tax exempt under sections 501 c(1) or 501 c(3) of the Internal Revenue Code of 1986, as amended. Hawaii Public Radio is exempt from Federal Income Tax under section 501 c(3). The tax exempt certificate is appended to the Non-Profit questionnaire which is attached to the file as Exhibit G. Also, HPR programming which includes classical music, government affairs, social affairs and international affairs provides a unique service to the community. HPR is a non-profit organization and is operated by public donations. It presents informative and stimulating interviews, reports, and information which the public needs to maintain a healthy and viable democracy.

RECOMMENDATION: That the Board:

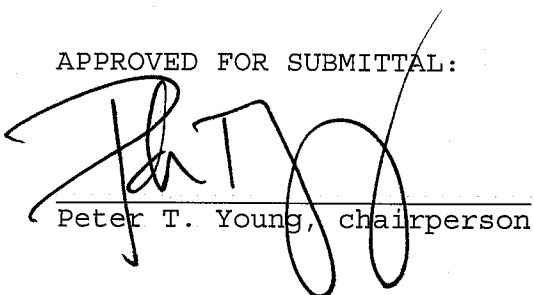
1. Approve of and recommend to the Governor issuance of an executive order withdrawing 3,000 sq. ft., more or less, from the Honolulu Watershed set aside by Governor's Proclamation of October 13, 1913, subject to:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the set aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a direct lease to Hawaii Public Radio covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current non-profit lease document form and telecommunications document form as may be amended from time to time;
 - B. Co-location i.e. ,sublease, of additional telecommunication users may be permitted on the site upon approval of the Board of Land and Natural Resources subject upon such conditions set by the Board including an adjustment in rent, and subject to all applicable laws, statutes, regulations and Federal Communication Commission(FCC)requirements.
 - C. The conditions required of the Applicant in Conservation District Use Permit OA-3207, issued on April 26, 2005, and attached to the submittal as Exhibit "F".
 - D. All laws, statutes, regulations and permit requirements of the City and County of Honolulu, State of Hawaii and the Federal Government applicable to the construction and operation of the subject telecommunication site.

- E. Review and approval by the Department of the Attorney General; and
- F. Such other terms and conditions as may be prescribed by the chairperson to best serve the interests of the State.

Respectfully Submitted,


Cecil Santos
Oahu District Land Agent

APPROVED FOR SUBMITTAL:


Peter T. Young, chairperson

Accessd & Utility Easement

PAU O A
SECTION 2

UNIVERSITY OF WISCONSIN

~~EXHIBIT~~ A

MAKIKI & TANTALUS, OAHU (HONOLULU WATERED FOREST RESERVE.)

F M ACTION

**FOR REAL PROPERTY TAXATION PURPOSES
SUBJECT TO CHANGE**

DEPARTMENT OF TAXATION
 TAXATION MAPS BUREAU
 STATE OF HAWAII
 TAX MAP
 FIRST TAXATION DIVISION
 12 5 19
 SCALE: 1" = 200'

Prepared Pursuant to 18 U.S.C. 3743

EXHIBIT B

Project Site

Verizon Towers

2-5-18: 005

2-5-19: 013

State Access Road

DRIVE

Tantalus Drive

ROUND

KALAOPIA
PLACE

PL

10

PL

PL

PL

PL

PL

PL

PL

PL

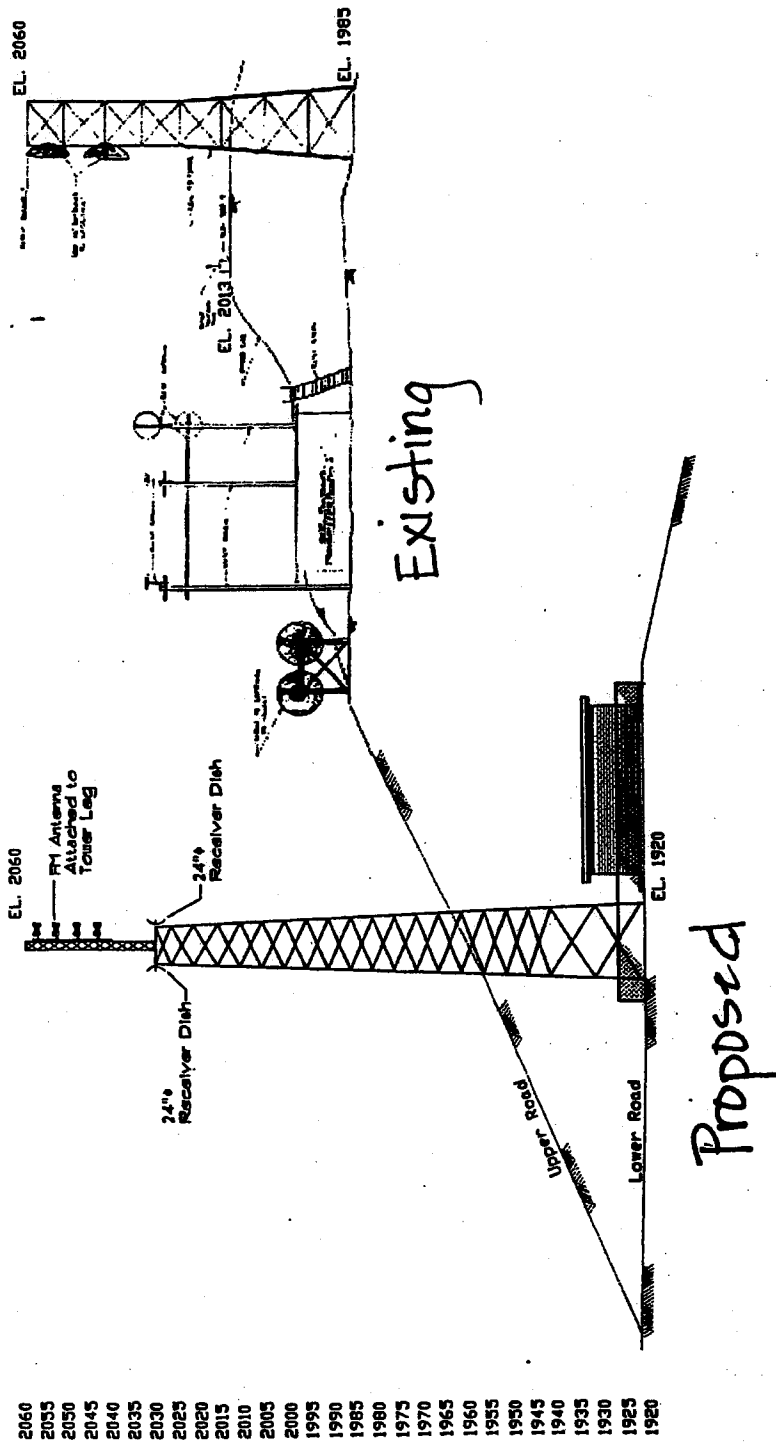
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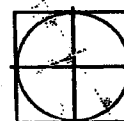
Tax Map Key

TMK 2-5-019: 005 Tantalus, Honolulu, Oahu, Hawaii



Site Elevation
Scale: 1" = 40'

Project:
Hawaii Public Radio - Tantalus
Honolulu, Oahu, Hawaii



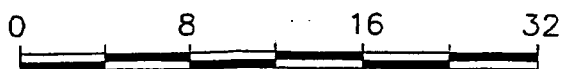
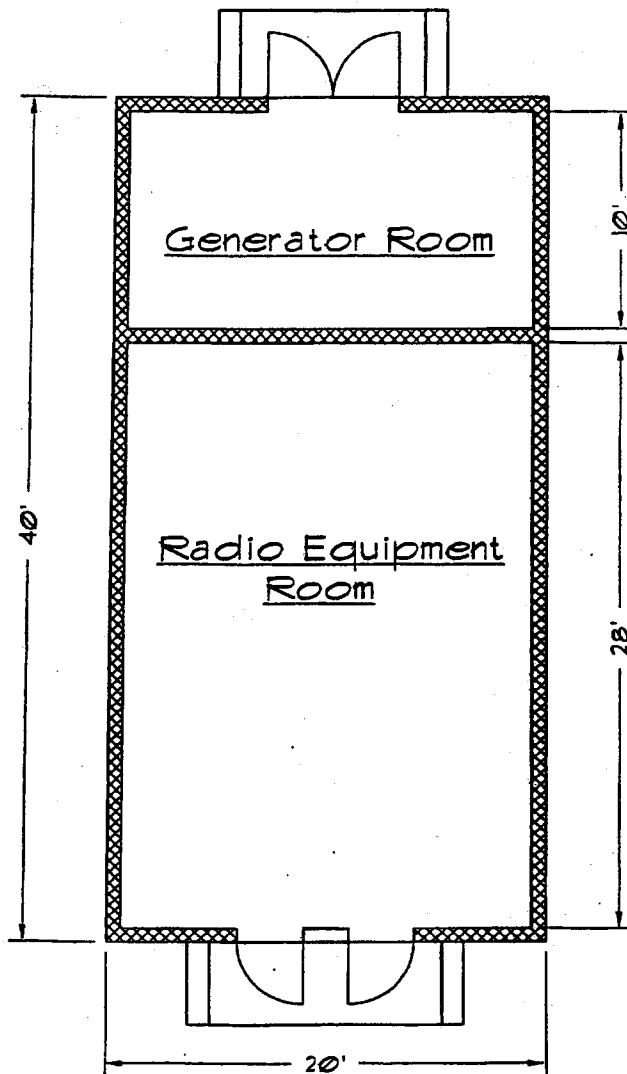
**HAWAII
ENGINEERING
GROUP, INC.**

Not To Scale

Site Elevation

TMK 2-5-019: 005 Tantalus, Honolulu, Oahu, Hawaii

EXHIBIT C



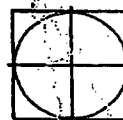
Graphic Scale - in Feet

Building Floor Plan

Scale: 1/8" = 1'-0"

Project:

Hawaii Public Radio - Tantalus
Honolulu, Oahu, Hawaii



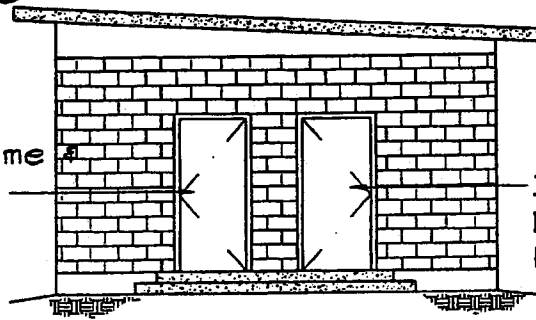
HAWAII
ENGINEERING
GROUP. INC.

Building Floor Plan

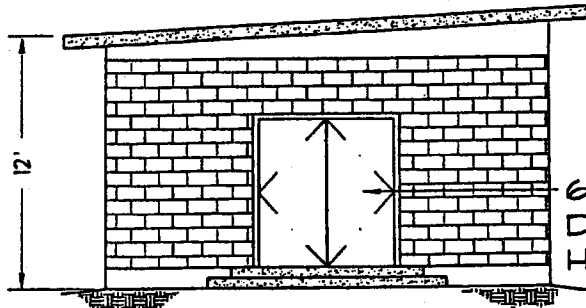
TMK 2-5-019: 005 Tantalus, Honolulu, Oahu, Hawaii

EXHIBIT D

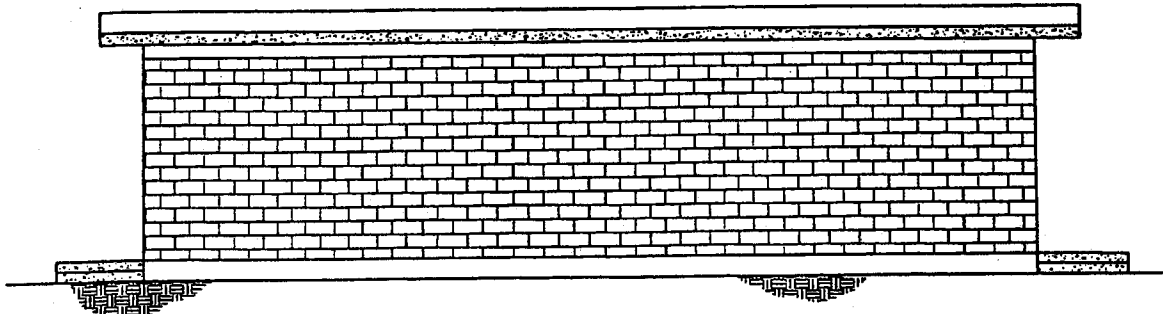
3070 HM
Door, Frame &
Hardware



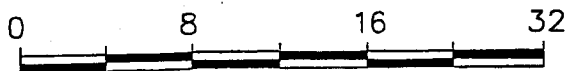
East Elevation



West Elevation



North Elevation



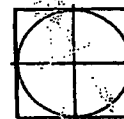
Graphic Scale - in Feet

Building Elevations

Scale: 1/8" = 1'-0"

Project:

Hawaii Public Radio - Tantalus
Honolulu, Oahu, Hawaii



HAWAII
ENGINEERING
GROUP. INC.

Building Elevations

TMK 2-5-019: 005 Tantalus, Honolulu, Oahu, Hawaii

LINDA LINGLE
GOVERNOR OF HAWAII



PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

REF:OCCL:TM

FILE NO: OA-3207

APR 26 2005

Donald Clegg
Analytical Planning Consultants, Inc.
928 Nuuanu Avenue, Suite 502
Honolulu, Hawaii 96813

Dear Mr. Clegg,

SUBJECT: Conservation District Use Permit (CDUP) OA-3207

This is to inform you that on April 22, 2005, the Board of Land and Natural Resources (Board) approved your client's Conservation District Use Application to construct the Hawaii Public Radio (HPR) telecommunication facility consisting of one (1) 140 foot radio transmission tower with one (1) FM antenna, a maximum of two (2) microwave receiver antennas, a 800 square foot equipment building and subdivision of land for lease purposes located at Pu'u Ohia, Tantalus, Honolulu, island of Oahu, TMK: (1) 2-5-019:005 subject to the following conditions:

1. The applicant shall comply with all applicable statutes, ordinances, rules, and regulations of the Federal, State and County governments, and the applicable parts of Section 13-5-42, Hawaii Administrative Rules;
2. The applicant, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury or death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents for any interference, nuisance, harm or hazard relating to or connected with the implementation of corrective measures to minimize or eliminate the interference, nuisance, harm or hazard;
3. The applicant shall comply with all applicable Department of Health administrative rules;
4. Where any interference, nuisance, or harm may be caused, or hazard established by the use the applicant shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard within a time frame and manner prescribed by the Chairperson;

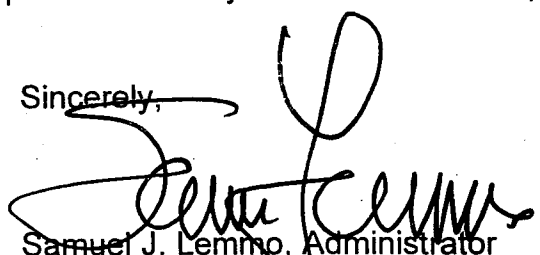
EXHIBIT "F"

5. Before proceeding with any work authorized by the Board, the applicant shall submit four (4) copies of the construction and grading plans and specifications to the Chairperson or his authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three (3) of the copies will be returned to the applicant. Plan approval by the Chairperson does not constitute approval required from other agencies;
6. Any work done or construction to be done on the land shall be initiated within one year of the approval of such use, in accordance with construction plans that have been signed by the Chairperson, and, unless otherwise authorized, shall be completed within three (3) years of the approval. The applicant shall notify the Department in writing when construction activity is initiated and when it is completed;
7. The applicant shall take appropriate measures to mitigate the impacts of erosion and siltation, and prevent oil, fuel, or cement products from falling, blowing, or flowing on Conservation lands and ocean waters. All work will be scheduled during periods of low rainfall;
8. All representations relative to mitigation set forth in the accepted final environmental assessment or impact statement, including responses to comments for the proposed uses are incorporated as conditions of the permit;
9. All exterior light fixtures must be shielded during construction and operations of the project;
10. In the event that unrecorded historic remains (i.e., artifacts, or human skeletal remains) are inadvertently uncovered during construction or operations, all work shall cease immediately in the vicinity and the remains shall be protected from further damage. State Historic Preservation Division (692-8015) shall immediately be contacted;
11. The applicant understands and agrees that this permit does not convey any vested rights or exclusive privilege;
12. In issuing this permit, the Department and Board have relied on the information and data that the applicant has provided in connection with this permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings;
13. During construction, appropriate mitigation measures shall be implemented to minimize impacts to off-site roadways, utilities, and public facilities;


14. Cleared areas shall be revegetated within thirty (30) days of grading or construction completion unless otherwise provided for in a plan on file with and approved by the department;
15. That any increase in broadcast power over 52 Kilowatts, or the addition of new users, is subject to Board approval;
16. The applicant shall allow co-location where technically feasible, with the approval of the Board;
17. The site shall be landscaped with native vegetation pursuant to a plan approved by the Division of Forestry and Wildlife;
18. The applicant shall obtain a land disposition from the Department by lease or other land disposition instrument;
19. The subject tower shall be painted to blend with the surrounding environment;
20. That in issuing this permit for the use of State Forest Reserve lands the Board recognizes the unique non-profit broad public service nature of telecommunication services that Hawaii Public Radio provides, and the unique circumstances surrounding the site;
21. Other terms and conditions as may be prescribed by the Chairperson; and
22. Failure to comply with any of these conditions shall render this Conservation District Use Permit null and void.

Please acknowledge receipt of this approval, with the above noted conditions, in the space provided below. Please sign two copies. Retain one and return the other within thirty (30) days. Should you have any questions on any of these conditions, please feel free to contact Tiger Mills at 587-0382.

Sincerely,


Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

Receipt acknowledged:


Applicant's Signature

Date April 26th, 2005

EXHIBIT "E"

Donald Clegg
Analytical Planning Consultants, Inc.

CDUP OA-3207

cc: Chairperson
Oahu District Land Office
City and County of Honolulu, Department of Planning & Permitting

EXHIBIT "E"

APPLICATION AND QUALIFICATION QUESTIONNAIRE
(Non-Profit)

Write answers in the spaces provided. Attach additional sheets as necessary, clearly indicating the applicable section number.

Part I: General Information

1. Applicant's legal name:
Hawaii Public Radio, Inc.
2. Applicant's full mailing address:
738 Kaheka Street #101
Honolulu, HI 96814
3. Name of Contact Person: Michael Titterton
Contact Person Phone No.: 955-8821 Fax No.: 946-3863
4. Applicant is interested in the following parcel:
Tax Map Key No.: 2-5-19:005 Location: Tantalus, Honolulu, Oahu
If Applicant is current lessee: General Lease No.: _____
5. When was Applicant incorporated? 04/76, Reincorporated 04/84
6. Attach the following:
 - A. Articles of Incorporation
 - B. Bylaws
 - C. List of the non-profit agency's Board of Directors
 - D. IRS 501(c)(3) or (c)(1) status determination
 - E. Tax clearances from both the Internal Revenue Service and State of Hawaii
 - F. Audited financial statements for the last three years. If not audited, explain why.
If Applicant is a new start-up, attach projected capital and operating budgets.
 - G. Any program material which describes eligibility requirements or other requirements to receive services N/A

Part II: Qualification

7. Is Applicant registered to do business in Hawaii: Yes/No
8. Has Applicant received tax exempt status from the Internal Revenue Service? Yes/No
9. Is Applicant licensed or accredited in accordance with federal, State or county statutes, rules, ordinances, to conduct the proposed activities? Yes/No

List all such licenses and accreditations required: City & County of Honolulu: Building Permit, Grading, Grubbing, and Stockpiling Permit. State of Hawaii: Conservation District Use Permit. Federal Agencies: FCC Construction

Permit and License

- Yes/No

If yes, explain:

- Yes/No**

rp6501

Type of Agreement

Term of Agreement

rp6501

Revocable Permit

month to month

- Yes/No

If yes, explain:

- NOT APPLICABLE

Part III: Program Activities and Persons to be Served

14. What activities will be conducted on the premises to be leased?

Construction and Operation of a broadcast transmitter site for the
public radio station(s) of Hawaii Public Radio (HPR).

15. What are the specific objectives of these activities?

To provide the residents of Oahu with a public radio service of
the highest possible quality, consistent with the ideals expressed
in HPR's Mission Statement (see Attachment #1)

16. Describe the community need for and the public benefit derived from these activities.

HPR provides a non-commercial broadcast service of a cultural,
informational, and public-interest nature unavailable from any
other source. It is also one of the very few remaining mass media
in Hawaii to be locally owned and operated, making its news and
information services both vital and unique.

17. Describe the targeted population for these activities by: 1) age group, 2) gender, 3) ethnic background, 4) income level, 5) geographic location of residence, 6) special needs/disability, and 7) other applicable characteristic(s).

Because of the ubiquitous nature of a radio signal HPR's service
is, by definition, offered to no particular group but to the whole
community. As a practical matter, however, HPR seeks to serve all
those whose informational and cultural needs are unmet by
mainstream, commercial broadcasters.

18. Describe all eligibility requirements of clients to participate in the activities, e.g. age, income level, ethnic background, income level, disability, etc.

A radio signal is available to all, and cannot discriminate.
See #17 (above).

19. Do you require membership to participate in these activities? Yes/No ☒
If yes, list the requirements of becoming and remaining a member: _____
Membership is not required for an individual to use HPR's service.

20. How many unduplicated persons will engage in the activities annually?

Activity

Persons Per Year

According to Arbitron HPR's regular listening
audience (weekly cume) is 105,000 persons

21. Is State funding made available for the activities to be conducted on the leased premises?

Yes/No ☒

If yes, by which State agency: _____

22. List all activities to be conducted on the leased premises which require payment of excise taxes, e.g. subleasing, sale of products or services. Include an estimate of annual gross revenues from each activity.

NONE

Part IV: Development of the Land

23. Describe the proposed site development plan for the property, indicating the location and size of buildings, parking areas, landscaped areas and related uses. Attach sketch of plan if available.
See Attachment #'s 2 & 3.

24. What improvements to the land do you intend to make and at what cost?

Construction of a single self-supporting 140 ft. broadcast tower,
and one 800 sq. ft. equipment building. Total project cost is
estimated at \$400,000.

25. How will the improvements be funded?

The \$400,000 estimated cost of the project will be paid for from the proceeds of the recent sale of radio station KIFO-AM, which was originally purchased with listener contributions.

26. Describe all environmental, land use and other permitting requirements which must be met to develop the land as proposed.

A finding of no significant impact (FONSI) has been issued and a CDUA has been approved. It is our understanding that the DLNR will require a building permit from the City and County of Honolulu.

27. Will you be subleasing any portion of the property? If yes, describe the sublease uses:

No. A condition of the CDUA requires HPR to permit co-location of other antennas on the tower and provision of space on the ground for other equipment. Any co-location is to be on a "not to interfere" basis and must be approved by the Land Board. It is assumed that a sublease agreement will be needed.

Part V: Notarized Certification

I/We hereby certify that the statements and information contained in this Application and Questionnaire, including all attachments, are true and accurate to the best of my/our knowledge and understand that if any statements are shown to be false or misrepresented, I/we may be disqualified from receiving a lease or my/our lease may be cancelled.

HAWAII PUBLIC RADIO
Applicant Name

By: [Signature]

Its: PRESIDENT & C.M.

Date: 7/29/05

Applicant Name

By:

Its:

Subscribed and sworn to before me this

29th day of July, 192005

[Signature]
Notary Public

County of: Honolulu

State of: Hawaii

My commission expires: April 2008

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